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Attorneys for Defendants Judi and James Johnston

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CLAUDE GALLAND, <i>et al.</i> ,	)	<b>CASE NO. 1:14-cv-04411 (SU)</b>
	)	
Plaintiffs,	)	<b>DEFENDANTS' RESPONSE TO</b>
	)	<b>ORDER TO SHOW CAUSE</b>
v.	)	
	)	
JAMES JOHNSTON, <i>et al.</i> ,	)	
	)	
Defendants	)	

In response to the Court's order that plaintiffs show cause why this action should not be dismissed because of the plaintiffs' failure to submit to a telephone deposition as the Court directed, defendants submit the accompanying affidavit of Lisa Porter, counsel for defendants, explaining her efforts to obtain the oral depositions of the plaintiffs. Defendants' last-minute effort to insist that the deposition be conducted by written questions sent by text message to a mobile telephone did not constitute substantial compliance with the Court's order, and defendants agree that dismissal of the remaining count of the complaint is the proper response to plaintiffs' defiance of the Court's order.

Respectfully submitted,

/s/ Paul Alan Levy  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I am causing a copy of this filing to be served on the pro se plaintiffs, Claude and Violaine Galland, and the entity Parisstudio which is appearing without counsel, by first-class mail, postage pre-paid, at the following addresses. In addition, I am sending a courtesy copy of the filing to Claude Galland by email to the address from which he recently communicated with Ms. Porter, Dr.claudegallande@gmail.com.

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December 15, 2017

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